

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re TREMONT SECURITIES LAW, STATE)
LAW AND INSURANCE LITIGATION)

Master Docket No. 1:08-11117 (TPG)

CUMMINS INC., as the authorized)
representative of the Cummins Inc. Grantor)
Trust dated September 10, 2007, as amended,)

Plaintiff,)

v.)

Civil Action No. 1:10-9252 (TPG)

NEW YORK LIFE INSURANCE)
COMPANY, NEW YORK LIFE)
INSURANCE AND)
ANNUITY CORPORATION, TREMONT)
CAPITAL MANAGEMENT, INC., RYE)
INVESTMENT MANAGEMENT,)
MASSMUTUAL HOLDING LLC,)
MASSACHUSETTS MUTUAL LIFE)
INSURANCE CO., OPPENHEIMER)
ACQUISITION CORP., RYE)
SELECT BROAD MARKET PRIME)
FUND L.P., RYE SELECT BROAD)
MARKET XL FUND L.P., RYE SELECT)
BROAD MARKET INSURANCE)
PORTFOLIO, LDC, TREMONT)
OPPORTUNITY FUND III, L.P., TREMONT)
(BERMUDA) LTD., TREMONT GROUP)
HOLDINGS, INC., and TREMONT)
PARTNERS, INC.,)

ECF CASE

JURY TRIAL DEMANDED

Defendants.)

USDC SDNY
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DATE FILED: 2/27/2012

**STIPULATION AND ~~PROPOSED~~ ORDER EXTENDING THE SCHEDULE FOR
BRIEFING OF PLAINTIFF CUMMINS, INC.'S RESPONSES IN OPPOSITION TO
DEFENDANTS' RESPECTIVE MOTIONS TO DISMISS**

Whereas, plaintiff Cummins Inc. ("Cummins") filed its Amended Complaint in the above captioned matter on December 19, 2011;

Whereas, defendants New York Life Insurance Company and New York Life Insurance and Annuity Corporation (collectively, “NYL”) filed their Motion to Dismiss Cummins’ Amended Complaint on January 30, 2012 (*See* Dkt. No. 647);

Whereas, defendant Oppenheimer Acquisition Corp. (“Oppenheimer”) filed its Motion to Dismiss Cummins’ Amended Complaint on January 31, 2012 (*See* Dkt. No. 660);

Whereas, defendants Tremont Group Holdings, Tremont Partners, Inc., Tremont (Bermuda) Ltd., Tremont Capital Management, Inc., and Rye Investment Management (collectively, “Tremont”) filed their Motion to Dismiss Cummins’ Amended Complaint on January 31, 2012 (*See* Dkt. No. 654);

Whereas, defendants Massachusetts Mutual Life Insurance Company and MassMutual Holding LLC (collectively, “MassMutual”) filed their Motion to Dismiss Cummins’ Amended Complaint on January 31, 2012 (Dkt. No. 650);

Whereas defendants Rye Select Broad Market Prime Fund, L.P., Rye Select Broad Market Fund XL, L.P., and Tremont Opportunity Fund III, L.P. (“Rye Defendants,” and collectively with NYL, Oppenheimer, Tremont, and MassMutual, “Defendants”) filed their Motion to Dismiss Cummins’ Amended Complaint on February 14, 2012 (*See* Dkt. No. 686);

Whereas, pursuant to this Court’s order dated November 14, 2011 Order (*See* Dkt. No. 636), Cummins is required to file response briefs in opposition to these pending Motions to Dismiss (the “Responses”) on or before February 29, 2012;

Whereas, in light of Cummins’ briefing of five motions to dismiss simultaneously, in addition to the busy litigation schedule and long-standing intervening family vacation plans of Cummins’ counsel, Cummins seeks a 45 day extension of time, to April 13, 2012, to file its Responses;

Whereas, Defendants do not oppose Cummins’ request; and

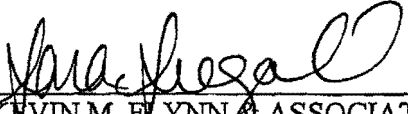
Whereas, Cummins Inc. has made no prior requests to extend the schedule for its preparation and filing of its Responses;

IT IS HEREBY STIPULATED, by and between undersigned counsel for the parties, without waiving any rights, defenses, or arguments they may assert, except as set forth below, and subject to the approval of the Court, as follows:


1. Cummins shall have until April 13, 2012 to file its Responses in opposition to Defendants' respective Motions to Dismiss Cummins' Amended Complaint.

2. Defendants shall file their respective Replies in support of their respective Motions to Dismiss on or before May 3, 2012.


February 22, 2012


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February 23, 2012


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February 21, 2012


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February 22, 2012



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February 22, 2012



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So Ordered:



Hon. Thomas P. Griesa, United States District Court Judge

2/27/12